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MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205			PHAN, TRI H	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/609,201

Applicant(s)

MA ET AL.

Examiner

Tri H. Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 10 is/are allowed.
- 6) ☐ Claim(s) 1-3,5-9,11-13,15-17 and 19 is/are rejected.
- 7) ☐ Claim(s) 4,14 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment/Arguments***

1. This Office Action is in response to the Response/Amendment filed on July 2<sup>nd</sup>, 2004.  
Claims 1-19 are now pending in the application.

### ***Claim Objections***

2. Claims 1, 4, 7, 9, 11, 12, 14 and 18 are objected to because of the following informalities:

In claim 1, lines 3-4, "an intelligent peripheral" should be correct to -- the intelligent peripheral -- for clarity. Similar problem exists in claim 4, lines 4-5.

Applicant is respectfully suggested to be consistent in using terminologies for clarity, for example, in claim 7, it recites the limitation "call-transfer sequence" in line 2 or "call-transfer request/response sequence" in line 4.

Similar problem exists in claim 9, line 2 and line 4.

Also in claim 7, line 3; "a different telephone line the number" should be correct to -- a different telephone line number -- for clarity.

Similar problem exists in claim 9, line 3 and claim 12, line 3.

In claim 11, line 2-3, the empty space between the words "an" and "interactive" should be deleted for clarity.

Similar problem exists in claim 14, line 2-3, the empty space between the word "an" and "interactive" should be deleted for clarity.

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In claim 14, line 10, "a defined protocol" should be correct to -- the defined protocol -- for clarity.

In claim 18, line 19, the word "bloc" in front of "flex-parameter" is a typographical error; it should be correct to --- block ---.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by **Glitho et al.** (U.S.6,614,784).

- In regard to claim 1, **Glitho** discloses in Figs. 4-6, 7A-B; Abstract and in the respective portions of the specification about the method and system for providing supplementary services ("*supplemental services messaging*"; For example see Col. 2, Lines 24-48; Fig. 2; Col. 6, Line 52 through Col. 7, Line 2) in the integrated telecommunications network ("*network connection*") having packet-switched network or H.323-based network 102 ("*voice frame network*") and circuit-switched network with the gateway, gatekeepers (For example see Col. 2, Lines 12-23),

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intelligent terminals (“*intelligent peripheral*”) and service control point (“*voice frame network gatekeeper*”) as disclosed in Fig. 4; Col. 7, Line 56 through Col. 8, Line 30; for providing advanced services and provisioning supplementary services through service request (“*conveying a request*”) and response (“*conveying a response*”) as disclosed in Col. 3, Line 37 through Col. 4, Line 42; in the H.323/H.450 framework (“*defined protocols*”; For example see Col. 2, Lines 35-48) of Intelligent Network architecture; wherein the call Re-routing Request and call Re-routing Answer (“*call-transfer request/response sequence*”) are used for the call diversion service at the first entity, i.e. gatekeeper, (For example see Figs. 6, 7A-B; Col. 9, Line 24 through Col. 10, Line 43).

- Regarding claim 2, **Glitho** further discloses about the provisioning Supplementary Services using H.450.X messages encapsulated in H.225 signaling of the H.323-based network (“*protocol and command structure comply with International H.323 and H.225 standards*”; For example see Col. 2, Lines 35-62).

- In regard to claim 5, **Glitho** discloses in Figs. 4-6, 7A-B; Abstract and in the respective portions of the specification about the method and system in the integrated telecommunications network having packet-switched network or H.323-based network 102 (“*voice frame network*”) and circuit-switched network with the gateway, gatekeepers (For example see Col. 2, Lines 12-23), intelligent terminals (“*intelligent peripheral*”) and service control point (“*voice frame network gatekeeper*”) as disclosed in Fig. 4; Col. 7, Line 56 through Col. 8, Line 30; for providing advanced services and provisioning supplementary services through service

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request/response as disclosed in Col. 3, Line 37 through Col. 4, Line 42; in the H.323/H.450 framework; wherein the service control point, e.g. “*gatekeeper*” or endpoint (For example see Col. 8, Lines 7-21); with distributed functional plane to support call diversion (“*invocation mechanism, performance mechanism*”; For example see Col. 8, Line 56 through Col. 9, Line 7; Col. 6, Line 55 through Col. 7, Line 2) through all life cycle phases and provide the advanced and provisioning supplementary services such as call hold, call waiting, message indication, toll free and credit card calling, or multimedia applications such as video-on-demand, etc. (“*defined task*”; For example see Col. 2, Lines 35-48; Col. 10, Line 60 through Col. 11, Line 5) based on H.450.X messages encapsulated in H.225 signaling (“*in-band signaling*”; For example see Col. 2, Lines 57-62) of H.450/H.323 service architecture (“*comply with H.323 and H.450 standards*”).

- Regarding claims 6-7, **Glitho** further discloses about the provisioning Supplementary Services using H.450.X messages in the H.323 network; wherein the served entities or service control point, e.g. “*supplemental services provider*” can trigger service requests to a service node or intelligent terminal, i.e. “*intelligent peripheral*”, (For example see details in Figs. 6, 7A-B) through the use of call Re-routing Request and Answer (“*call-transfer request/response sequence*”) to re-route the call (For example see Col. 5, Lines 52-65).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 8-9, 11, 12-13, 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Glitho et al.** (U.S.6,614,784) in view of **Sassin et al.** (U.S.6,449,260).

- In regard to claims 3, 8, 13 and 17, **Glitho** discloses all the subject matter of the claimed invention as discussed in part 5 rejection above, including the provisioning Supplementary Services for call diversion such as call hold, call park-call pickup, call waiting and message indication, toll free and credit card calling, selective call restriction, click to fax, double phone/free phone, split charging, or multimedia applications such as tele-medicine, tele-education, video-on-demand, etc., (For example see Col. 2, Lines 35-48; Col. 10, Line 53 through Col. 11, Line 5); but fails to specifically disclose about “*play-recorded-audio and play-recorded-audio-and-await-digital-input sequences*”. However, it is obvious that playing background music (“*play-recorded-audio*”) in call hold, call waiting and message indication or in toll free and credit card calling, selective call restriction, video-on-demand while waiting for user’s input (“*play-recorded-audio-and-await-digital-input sequences*”) can implement in the command of Value-Added Services and provisioning Supplementary Services in the H.450/H.323-based service architecture and is known in the art.

For example, **Sassin** discloses about the music/video server providing background music and announcements or video data to calls placed on hold in the H.323 network (For example see Figs. 1-5; in Col. 3, Lines 15-24; Col. 5, Lines 31-54).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to combine the invention as taught by **Sassin**, by implement the music/video server providing background music and announcements or video data to calls placed on hold in the H.323 network in **Glitho**'s system with the motivation being to put the user at ease while waiting for call transfer or user's input in toll free and credit card calling, selective call restriction, or in video-on-demand.

- Regarding claim 9, **Glitho** further discloses about the provisioning Supplementary Services using H.450.X messages in the H.323 network; wherein the served entities or service control point, e.g. "*supplemental services provider*" can trigger service requests to a service node or intelligent terminal, i.e. "*intelligent peripheral*", (For example see details in Figs. 6, 7A-B) through the use of call Re-routing Request and Answer ("*call-transfer request/response sequence*") to re-route the call (For example see Col. 5, Lines 52-65).

- In regard to claims 11, 15 and 19, **Glitho** discloses all the subject matter of the claimed invention as discussed in part 5 rejection above, about the functional program (For example see Fig. 5; Col. 8, Line 56 through Col. 9, Line 23), system and method in the integrated telecommunications network having packet-switched network or H.323-based network 102 ("*voice frame network*") and circuit-switched network with the gateway, gatekeepers (For example see Col. 2, Lines 12-23), intelligent terminals ("*intelligent peripheral*") and service control point ("*voice frame network gatekeeper*") as disclosed in Fig. 4; Col. 7, Line 56 through Col. 8, Line 30; for providing advanced services and provisioning supplementary services using



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H.450.X messages in the H.323 network; wherein the served entities or service control point, e.g. *“supplemental services provider”* can trigger service requests to a service entity or intelligent terminal, i.e. *“intelligent peripheral”*, (For example see details in Figs. 6, 7A-B) through the use of call Re-routing Request and Answer (*“call-transfer request/response sequence”*) to re-route the call through service request (*“conveying a request”*) and response (*“conveying a response”*) as disclosed in Col. 3, Line 37 through Col. 4, Line 42; Col. 5, Lines 52-65; in the H.323/H.450 framework (*“defined protocols”*; For example see Col. 2, Lines 35-48); but fails to specifically disclose the use of *“IVR”* as the service entity or intelligent terminal. However, such implementation is known in the art.

For example, **Sassin** discloses in Figs. 1-5 and in the respective portions of the specification about the use of H.323 compatible Integrated Voice Response Unit *“IVR”* or music/video server as the service entity as specified in Col. 5, Line 3-20; for allowing customer to communicate information to the ACD server as the H.323 end point through the gatekeeper by using the third party application ‘API’ in ACD server (For example see Figs. 2-3; Col. 4, Line 52 through Col. 6, Line 23; Fig. 5; Col. 7, Lines 20-46)

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to combine the invention as taught by **Sassin**, by implement the *“IVR”* or music/video server providing background music and announcements or video data to calls placed on hold in the H.323 network in **Glitho’s** system with the motivation being to put the user at ease while waiting for call transfer or user’s input in toll free and credit card calling, selective call restriction, or in video-on-demand.

- Regarding claims 12 and 16, **Glitho** further discloses about the provisioning Supplementary Services using H.450.X messages in the H.323 network; wherein the served entities or service control point, e.g. “*supplemental services provider*” can trigger service requests to a service node or intelligent terminal, i.e. “*intelligent peripheral*”, (For example see details in Figs. 6, 7A-B) through the use of call Re-routing Request and Answer (“*call-transfer request/response sequence*”) to re-route the call (For example see Col. 5, Lines 52-65).

### ***Response to Arguments***

7. Applicant's arguments filed on July 2<sup>nd</sup>, 2004 have been fully considered but they are not persuasive.

In response to Applicant's argument that the references fail to show a certain feature of Applicant's invention, it is noted that the feature upon which Applicant relies (i.e., “a brokerage” between the gatekeeper and the intelligent peripheral, for services) is not recited in the rejected claim(s) or in the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Applicant argues that **Glitho** fails to disclose in claim 1, the recitation “a protocol over the connection that provides supplemental services messaging *between the gatekeeper and the intelligent peripheral*, said protocol conveying *a request from the gatekeeper to the intelligent peripheral and a response from the intelligent peripheral to the gatekeeper*;”. Examiner respectfully disagrees. As cited by Examiner in the previous Office action and further herein,

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**Glitho** does disclose about the supplementary services and the provisioning for the value-added services via the use of H.450.X message in H.323-based VoIP networks (For example see col. 2, lines 35-48) in providing the service request and response in the H.323/H.450 framework (*“protocol conveying the request and response”*) to/from gatekeeper and intelligent terminals; wherein the call Re-routing Request and call Re-routing Answer are used for the call diversion service at the first entity, i.e. gatekeeper, as disclosed in Figs. 7A-B. Therefore, Examiner concludes that **Glitho** teaches the arguable feature.

Applicant argues that **Glitho** fails to disclose in claim 5, the recitation “an invocation mechanism *within a gatekeeper* for setting a defined task *to an intelligent peripheral* via in-band signaling, and a performance mechanism *within the intelligent peripheral responsive to said invocation mechanism* for performing the defined task,”. Examiner respectfully disagrees. As cited by Examiner in the previous Office action and further herein, **Glitho** does disclose in Figs. 5-7B, about the distributed functional plane, e.g. “performance mechanism”, in providing software function for advanced services mapped onto the service node, e.g. “gatekeeper”, via signaling (For example see Fig. 5; col. 8, line 56 through col. 9, line 23); and wherein the ‘intelligent’ terminal, e.g. “intelligent peripheral”, with decision-implementation logic, e.g. “performance mechanism”, for determining how the service is to be effectuated using the H.450.X messaging in the H.323/H.450 framework (For example see col. 8, line 7-41). Therefore, Examiner concludes that **Glitho** teaches the arguable feature.

Applicant argues that **Glitho** fails to disclose in claim 11, the recitation “configuring the *gatekeeper as a supplemental services provider (SSP)* under International H.450 standard;”.

Examiner respectfully disagrees. **Glitho** does disclose in Figs. 5-7B, about the distributed functional plane for providing software function for advanced services mapped onto the service node, e.g. “gatekeeper”, via signaling (For example see Fig. 5; col. 8, line 56 through col. 9, line 23) using the H.450.X messaging in the H.323/H.450 framework (For example see col. 8, line 7-41). Therefore, Examiner concludes that **Glitho** teaches the arguable feature.

Claims 2-3, 6-9, 12-13, 16-17 and 19 are rejected as in Part 4 and 6 above of this Office action and by virtue of their dependence from claim 1.

***Allowable Subject Matter***

8. Claims 4, 14 and 18 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

9. Claim 10 is allowed. The following is an examiner’s statement of reasons for allowance:

Claim 10 are considered allowable since when reading the claims in light of the specification, none of the references of record-alone or in combination disclose or suggest the combination of limitations specified in the independent claims including.

Substantially regarding claim 10, the prior art of record fails to disclose the telecommunication apparatus for coordinating the voice frame network gatekeeper and the intelligent peripheral by using the invocation mechanism within the gatekeeper for setting a defined task to the intelligent peripheral via in-band signaling and the performance mechanism within the intelligent peripheral responsive to the invocation mechanism for performing the defined task, wherein the invocation mechanism and the performance mechanism comply with International H.323 and H.450 standards, especially the invocation mechanism provides for play-recorded-audio and play-recorded-audio-and-await-digital-input sequences to which the performance mechanism is responsive, and the invocation mechanism further provides for flex-parameter-block, play-recorded-audio-and-terminate-call, and play-recorded-audio-using-specified-script sequences to which the performance mechanism is responsive, wherein the flex-parameter-block sequence invokes in the response performance mechanism.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Baxley et al.** (U.S.6,657,975 and U.S.6,646,997), **Verthein et al.** (U.S.6,487,196) and **Cave et al.** (U.S.2001/0005382) are all cited to show devices and methods for improving packet network communication architectures by providing advanced services, which are considered pertinent to the claimed invention.

11. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078.

**Any response to this action should be mailed to:**

**Commissioner of Patents and Trademarks**

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
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Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office, whose telephone  
number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent  
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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan  
November 16, 2004



**BRIAN NGUYEN**  
**PRIMARY EXAMINER**